

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 16, 2005
SAN FRANCISCO, CALIFORNIA**

S111309E029720 Fourth Appellate District,
Division Two

PEOPLE v. BETTS

Rehearing denied

Brown, J., was absent and did not participate.

S114054B150963 Second Appellate District,
Division Three

ROBINSON HELICOPTER CO v. DANA CORP.

Rehearing denied

Brown, J., was absent and did not participate.

S116670

HAWTHORNE (ANDERSON) ON H.C.

Rehearing denied

Brown, J., was absent and did not participate.

S122240B154557 Second Appellate District,
Division Eight

PEOPLE v. GONZALEZ

Rehearing denied

Brown, J., was absent and did not participate.

S113201B156438 Second Appellate District,
Division Three

HONEYWELL v. W.C.A.B. (WAGNER)

Request for modification denied

Allan S. Ghitterman's request that the court reconsider its decision is treated as a request for modification of the opinion. The request is denied.

Brown, J., was absent and did not participate.

S127275

RICHARDSON v. S.C. (PEOPLE)

Order to show cause issued

Respondent is directed to vacate its order denying petitioner's motion for DNA testing pursuant to Penal Code section 1405 and to issue a new order granting the motion or, in the alternative, to show cause in this court, when the matter is placed on calendar, why the relief

sought in the petition should not be granted.
The return is to be filed on or before April 15, 2005. This cause is consolidated with the appeal in *People v. Charles Keith Richardson*, S029588, for consideration and decision.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin and Moreno; JJ.

S130457
D044209 Fourth Appellate District,
Division One

J. (OLIVIA), IN RE
Petition for review granted

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Werdegar, and
Chin, JJ.

S130839
C039617 Third Appellate District

LONICKI v. SUTTER HEALTH CENTRAL
Petition for review granted

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Werdegar, Chin,
and Moreno, JJ.

S131030
B170252 Second Appellate District,
Division Six

BROWN & YANA, MARRIAGE OF
Petition for review granted

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S131048
B160417 Second Appellate District,
Division Eight

PEOPLE v. SHABAZZ
Petition for review granted

Respondent's petition for review GRANTED.
Appellant's petition for review GRANTED.
The issues to be briefed and argued are limited to the following: (1) Does the special circumstance in Penal Code section 190.2(a)(22), which authorizes a punishment of death or life imprisonment without the possibility of parole for a gang member who "intentionally killed the victim" to further the

activities of the gang, apply to a defendant who fired a gun with the intent to kill one person but missed and killed another? (2) When a defendant is convicted of an offense that is punishable by a sentence of life imprisonment without the possibility of parole, is the defendant also subject to a 25-years-to life sentence enhancement under Penal Code section 12022.53, subdivision (d), for personally discharging a firearm and causing death, or does Penal Code section 12022.53, subdivision (j), preclude the imposition of that sentence enhancement when the punishment for the defendant's underlying felony is life imprisonment without the possibility of parole?

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S129855

D041699 Fourth Appellate District,

PEOPLE v. GOMEZ

Review granted/briefing deferred (rule 29.1)

Petitions for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S130424

D042150 Fourth Appellate District,
Division One

PEOPLE v. HUGGINS

Review granted/briefing deferred (rule 29.1)

Petitions for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of

Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S130468

D042811 Fourth Appellate District,
Division One

PEOPLE v. CAMPA

Review granted/briefing deferred (rule 29.1)

Petitions for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S130496

E032929 Fourth Appellate District,
Division Two

PEOPLE v. BACA

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Giles*, S129852 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S130570

B166204 Second Appellate District,
Division Six

PEOPLE v. LEE

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review
GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Cage*, S127344 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S130795

E034071 Fourth Appellate District,
Division Two

PEOPLE v. JOY

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S131042

B165767 Second Appellate District,
Division Eight

PEOPLE v. ESQUIBEL

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review
GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order

of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S131146

B171776 Second Appellate District,
Division Four

PEOPLE v. MATAMOROS

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review
GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S131166

B171848 Second Appellate District,
Division Four

PEOPLE v. FRAUSTO

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review
GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S131325

D043512 Fourth Appellate District,
Division One

PEOPLE v. WILLIAMS

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S110988

MARKS (DELANEY G.) ON H.C.

OSC issued, returnable in Superior Court (Atkins claim)

The Director of the Department of Corrections is ordered to show cause in Alameda County Superior Court, when the matter is placed on calendar, why petitioner's death sentence should not be vacated and petitioner sentenced to life imprisonment without the possibility of parole on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in Claim Fifteen of the petition for writ of habeas corpus filed October 28, 2002. (See *In re Hawthorne* (2005) 35 Cal.4th 40.) The return must be filed on or before April 15, 2005.

All other claims set forth in the petition for writ of habeas corpus are denied.

Each claim is denied on the merits.

The following claims are each procedurally barred, separately and independently, as repetitive of a claim raised and rejected on appeal (see *In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225): Claims Three, Four (insofar as it assigns error to the introduction of a videotape documenting Mui Luong's condition), and Nine.

The following claims are each procedurally barred, separately and independently, because they could have been, but were not, raised on

appeal (see *In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759): Claims Four and Twelve (except to the extent it alleges ineffective assistance of counsel).

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin and Moreno, JJ.)

S115483 /S115428

KELLY (HORACE E.) ON H.C.
OSC issued, returnable in Superior Court (Atkins claim)

On the court's own motion, the two petitions for writ of habeas corpus filed in *In re Kelly*, S115428, and *In re Kelly*, S115483, on April 28, 2003, and April 29, 2003, respectively, are ordered consolidated for all purposes. The Director of the Department of Corrections is ordered to show cause in the Riverside County Superior Court, when the matter is placed on calendar, why petitioner's two death sentences should not be vacated and petitioner sentenced to life imprisonment without the possibility of parole on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in the petitions. (See *In re Hawthorne* (2005) 35 Cal.4th 40.) The return is to be filed on or before April 15, 2005.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin and Moreno, JJ.)

S116793

FIERRO (DAVID) ON H.C.
OSC issued, returnable in Superior Court (Atkins claim)

The Director of the Department of Corrections is ordered to show cause in the Riverside County Superior Court, when the matter is placed on calendar, why petitioner's death sentence should not be vacated and petitioner sentenced to life imprisonment without the possibility of parole on the ground that he is mentally retarded within the meaning

of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in the petition for writ of habeas corpus filed June 18, 2003. (See *In re Hawthorne* (2005) 35 Cal.4th 40.) The return is to be filed on or before April 15, 2005.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin and Moreno, J.J.)

S130587

B177775 Second Appellate District,
Division Five

PEOPLE v. THOMAS

Petition for review granted; transferred to CA 2/5

Petition for review granted.

The dismissal of defendant's appeal on November 30, 2004, by the Court of Appeal, Second Appellate District, Division Five, is hereby vacated. The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to reinstate the appeal and to deem the notice of appeal as having been properly filed pursuant to rule 30(b)(4)(B) with respect to those issues not requiring a certificate of probable cause (Pen. Code § 1237.5, subd. (b); rule 30(b)(1).).

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Werdegar,
Chin, and Moreno, JJ.

S115274

E029403 Fourth Appellate District,
Division Two

ENSCH v. ZOU

Dismissed per rule 29.3(b), and remanded to CA 4/2

In light of the decision in *Elsner v. Uveges* (2004) 34 Cal.4th 915, review in this matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S117491

A103104 First Appellate District,
Division Five

BROWN v. S.C. (PEOPLE)

Dismissed per rule 29.3(b), and remanded to CA 1/5

In light of the decision in *Burris v. Superior Court* (2005) 34 Cal.4th 1012, review in this matter is dismissed. (Cal Rules of court, rule 29.3(b).) Brown, J., was absent and did not participate.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S123905

C041861 Third Appellate District

GRADLE v. DOPPELMAYR USA

Transferred to CA 3 after hold

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and to reconsider the cause in light of *Elsner v. Uveges* (2004) 34 Cal.4th 915. (Cal. Rules of Court, rule 29.3(d).)

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S120249**SAMAYOA (RICHARD) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for a writ of habeas corpus, filed November 4, 2003, is denied, as follows.

Claim I is denied on the merits.

Claim II: The Fourth Amendment aspect of this claim is forfeited by petitioner's failure to raise it in the trial court (*In re Seaton* (2004) 34 Cal.4th 193, 200), and is, in any event, not cognizable on habeas corpus. (*In re Harris* (1993) 5 Cal.4th 813, 830.) The Sixth Amendment aspect of the claim is denied on the merits. In addition, the entire claim also is barred as untimely and successive. (*In re Robbins* (1998) 18 Cal.4th 770, 780-781[untimeliness], 788, fn. 9 [successiveness]; *In re Clark* (1993) 5 Cal.4th 750, 767-768

[successiveness].)

Claims III, IV, and V are denied on the merits. In addition, each of these claims also is barred as untimely and successive. (See *Robbins, supra*; *Clark, supra*.) Furthermore, regarding Claim V: To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225; to the extent the claim reasserts issues considered and rejected in connection with the initial habeas corpus petition that this court acted upon on September 27, 2000, the claim is barred under *In re Miller* (1941) 17 Cal.2d 734, 735, and to the extent this claim is based upon the transcripts of the second and third interviews/confessions, it could and should have been raised on appeal, and hence is barred under *In re Dixon* (1953) 41 Cal.2d 756, 759.

Claim VI is denied on the merits. In addition, except insofar as it rests upon the information contained in Exhibits J and K, this claim is barred as untimely and successive (see *Robbins, supra*; *Clark, supra*).

Claims VII through XII are denied on the merits.

Claim XIII is denied on the merits. In addition, it is barred as untimely and successive. (See *Robbins, supra*; *Clark, supra*.) Furthermore, to the extent this claim is based upon the record, it could and should have been raised on appeal, and hence is barred under *Dixon, supra*, 41 Cal.2d 756, 759.

Claim XIV is denied on the merits.

Brown, J., was absent and did not participate.

S130035

E034411 Fourth Appellate District,
Division Two

PEOPLE v. CHAVEZ

Petitions for review denied

Brown, J., was absent and did not participate.

S130144

H026101 Sixth Appellate District

SANTA CLARA VALLEY TRANSPORTATION
AUTHORITY v. PUBLIC UTILITIES COMMISSION
Petition for review denied

Brown, J., was absent and did not participate.

S130216
C048022 Third Appellate District

REED (ALONZO) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S130225
B179452 Second Appellate District,
Division Three

THOMAS (CURTIS) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S130268
B179624 Second Appellate District,
Division Five

GARCIA (CATALINO) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S130269
E037073 Fourth Appellate District,
Division Two

HAWKS (HAROLD H.) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S130283
A108605 First Appellate District,
Division One

BIGGS (JEFFREY J.) ON H.C.
Petition for review denied

(See *In re Dexter* (1979) 25 Cal.3d 921, 925;
Cal. Code Regs, tit. 15, § 3084.7 (d).)
Brown, J., was absent and did not participate.

S130299
C041749 Third Appellate District

CENTRAL DELTA WATER AGENCY v. WATER
RESOURCES CONTROL BD. (DELTA WETLANDS)
Petitions for review denied

Brown, J., was absent and did not participate.

S130327
B179523 Second Appellate District,
Division One

LAUDERMILL (REGINALD) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S130352

D040824 Fourth Appellate District,
Division One

PEOPLE v. FUSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S130363

C039430 Third Appellate District

PEOPLE v. DIXON

Petition for review denied

Brown, J., was absent and did not participate.

S130364

E034611 Fourth Appellate District,
Division Two

PEOPLE v. WELLER

Petition for review denied

Brown, J., was absent and did not participate.

S130381

F044333 Fifth Appellate District

PEOPLE v. HULL

Petition for review denied

Brown, J., was absent and did not participate.

S130385

H026463 Sixth Appellate District

PEOPLE v. WHALEY

Petition for review denied

Brown, J., was absent and did not participate.

S130402

B169640 Second Appellate District,
B176859 Division Three

PEOPLE v. FUNTILA

Petition for review denied

Brown, J., was absent and did not participate.

S130421

E035063 Fourth Appellate District,
Division Two

PEOPLE v. FULTON

Petition for review denied

Brown, J., was absent and did not participate.

S130450

H028223 Sixth Appellate District

CASTILLO v. S.C. (PEOPLE)

Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S130459E037074 Fourth Appellate District,
Division Two

GRONLUND (ANDRES P.) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S130500A100633 First Appellate District,
Division Three

HAMPTON v. SCHIAPPACASSE

Petition for review denied

Brown, J., was absent and did not participate.

S130508G033550 Fourth Appellate District,
Division Three

D. (JULIO), IN RE

Petition for review denied

Brown, J., was absent and did not participate.

S130509A104900 First Appellate District,
Division Five

PEOPLE v. SPENCER

Petition for review denied

Brown, J., was absent and did not participate.

S130516G034756 Fourth Appellate District,
Division Three

MORRIS (JOSEPH) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S130536G032195 Fourth Appellate District,
Division ThreeCALIFORNIA SCHOOL EMPLOYEES ASSN. v.
GOVERNING BD. OF SOUTH ORANGE, ETC.).

Petition for review denied

Brown, J., was absent and did not participate.

S130539

F045183 Fifth Appellate District

PALMER v. BEAR VALLEY SPRINGS ASSN

Petition for review denied

Brown, J., was absent and did not participate.

S130540

E032927 Fourth Appellate District,
Division Two

PEOPLE v. VASQUEZ

Petition for review denied

Brown, J., was absent and did not participate.

S130559

A105261 First Appellate District,
Division One

PEOPLE v. GRAY

Petition for review denied

Motion to consolidate denied.

Brown, J., was absent and did not participate.

S130580

C043447 Third Appellate District

PEOPLE v. MARLIN

Petition for review denied

Brown, J., was absent and did not participate.

S130584

B169321 Second Appellate District,
Division Seven

PEOPLE v. AEGIS SECURITY INSURANCE CO.

Petition for review denied

Brown, J., was absent and did not participate.

S130629

A105208 First Appellate District,
Division Two

PEOPLE v. HOLZ

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

Brown, J., was absent and did not participate.

S130635

H026507 Sixth Appellate District

PEOPLE v. LAWRENCE

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S130644
C043780 Third Appellate District

PEOPLE v. PALAGHIUC
Petition for review denied

Brown, J., was absent and did not participate.

S130645
G034814 Fourth Appellate District,
Division Three

STAUFEEER (PAUL CRAIG) ON H.C.
Petition for review denied

without prejudice to petitioner filing a petition
for writ of habeas corpus in the superior court.

Brown, J., was absent and did not participate.

S130662
B172403 Second Appellate District,
Division Two

GUTKIN v. UNIVERSITY OF SOUTHERN CALIF
Petition for review denied

Brown, J., was absent and did not participate.

S130714
B176457 Second Appellate District,
Division Seven

GOV v. S.C. (PEOPLE)
Petition for review denied

Brown, J., was absent and did not participate.

S130726
A107632 First Appellate District,
Division Five

ROBINSON v. W.C.A.B. (SEAMANS RAPISTAN)
Petition for review denied

Brown, J., was absent and did not participate.

S130731
B172960 Second Appellate District,
Division Eight

PEOPLE v. BRIDGES
Petition for review denied

Brown, J., was absent and did not participate.

S130742
F041817 Fifth Appellate District

PEOPLE v. DAVIES
Petition for review denied

Brown, J., was absent and did not participate.

S130751

H026296 Sixth Appellate District

PEOPLE v. MENDOZA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Cage*, S127373.

Brown, J., was absent and did not participate.

S130752E035410 Fourth Appellate District,
Division Two

PEOPLE v. G. (C.)

Petition for review denied

Brown, J., was absent and did not participate.

S130757A105155 First Appellate District,
Division One

PILLSBURY COMPANY v. FRANCHISE TAX BD.

Petition for review denied

Brown, J., was absent and did not participate.

S130773A101434 First Appellate District,
Division Four

NORTH PACIFICA, LLP v. CALIF. COASTAL COM

Petition for review & publication request denied

Brown, J., was absent and did not participate.

S130785B170271 Second Appellate District,
Division Two

PEOPLE v. GARNER

Petition for review denied

Brown, J., was absent and did not participate.

S130798E037111 Fourth Appellate District,
Division Two

DICKERSON (GREGORY S.) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S130803

F043746 Fifth Appellate District

MCDOWELL/CROCKETT v. CALIFORNIA DAIRIES

Petition for review denied

Brown, J., was absent and did not participate.

S130817

G033164 Fourth Appellate District,
Division Three

PEOPLE v. CHANG

Petition for review denied

Brown, J., was absent and did not participate.

S130837

H026251 Sixth Appellate District

PEOPLE v. KING

Petition for review denied

Brown, J., was absent and did not participate.

S130847

B180281 Second Appellate District,
Division Seven

WILLIAMS (LARRY) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S130852

B179914 Second Appellate District,
Division Three

BAEZ (JOSE) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S130857

C048586 Third Appellate District

GAUTIER (JEFFREY H.) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S130861,

G032268 Fourth Appellate District,
G032462

PEOPLE v. NUNEZ

Petition for review denied

Brown, J., was absent and did not participate.

S130864

A108786 First Appellate District,
Division Four

WOODS (EARNEST C.) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S130878

A108812 First Appellate District,
Division Four

WOODS (EARNEST C.) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S130883

C046091 Third Appellate District
C046176

B. (NATHANIEL), ADOPTION OF
Petition for review & publication request denied

Brown, J., was absent and did not participate.

S130889

B173704 Second Appellate District,
Division Five

FIGUEROA v. FIRE INSURANCE EXCHANGE
Petition for review denied

Brown, J., was absent and did not participate.

S130912

A108785 First Appellate District,
Division Four

CROWTHER v. S.C. (ROESSING)
Petition for review denied

Brown, J., was absent and did not participate.

S130919

B179058 Second Appellate District,
Division Five

RALPH'S GROCERY v. S.C. (BURLISON)
Petition for review denied

Brown, J., was absent and did not participate.

S130933

C045789 Third Appellate District

C. (JOSEPH), IN RE
Petition for review denied

Brown, J., was absent and did not participate.

S130936

D043505 Fourth Appellate District,
Division One

GREER v. CITY OF ESCONDIDO
Petition for review & publication request denied

Brown, J., was absent and did not participate.

S130937

D043150 Fourth Appellate District,
Division One

BARNO v. COPLEY PRESS INC.
Petition for review & publication request denied

Brown, J., was absent and did not participate.

S130976

H027007 Sixth Appellate District

PEOPLE v. KUNAU
Petition for review denied

Brown, J., was absent and did not participate.

S130992

B179336 Second Appellate District,
Division Three

DUNSON v. S.C. (PEOPLE)

Petition for review and application for stay denied

Brown, J., was recused and did not participate.

S131018

E035126 Fourth Appellate District,
Division Two

FALLBROOK PUBLIC UTILITY DISTRICT v.
EASTERN MUNICIPAL WATER DIST.
Petition for review denied

Request for judicial notice granted.
Brown, J., was absent and did not participate.

S131021

E035143 Fourth Appellate District,
Division Two

PEOPLE v. OLIVA
Petitions for review denied

Brown, J., was absent and did not participate.

S131022

F043976 Fifth Appellate District

PEOPLE v. ADAMS
Petition for review & depublication request denied

Brown, J., was absent and did not participate.

S131028

D042713 Fourth Appellate District,
Division One

MARCUS v. U.C. REGENTS
Petition for review denied

Brown, J., was absent and did not participate.

S131047

C044440 Third Appellate District

PEOPLE v. ALLEYNE
Petition for review denied

Brown, J., was absent and did not participate.

S131057

B171182 Second Appellate District,
Division Three

PEOPLE v. SPRINGFIELD
Petition for review denied

Brown, J., was absent and did not participate.

S131067

C044704 Third Appellate District

PEOPLE v. HUNT
Petition for review denied

Brown, J., was absent and did not participate.

S131099

F044686 Fifth Appellate District

PEOPLE v. LUIS

Petition for review denied

Brown, J., was absent and did not participate.

S131103

H026852 Sixth Appellate District

PEOPLE v. HARRISON

Petition for review denied

Brown, J., was absent and did not participate.

S131105

C044132 Third Appellate District

PEOPLE v. TORRES

Petition for review denied

Brown, J., was absent and did not participate.

S131106

H026788 Sixth Appellate District

PEOPLE v. REDDS

Petition for review denied

Brown, J., was absent and did not participate.

S131109B174732 Second Appellate District,
Division Six

PEOPLE v. UNDERWOOD

Petition for review denied

Brown, J., was absent and did not participate.

S131110B172138 Second Appellate District,
Division Seven

GILBERT, ESTATE OF

Petition for review denied

Brown, J., was absent and did not participate.

S131111E034034 Fourth Appellate District,
Division Two

PEOPLE v. KING

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131123
H026945 Sixth Appellate District

PEOPLE v. MOUSA
Petition for review denied

Brown, J., was absent and did not participate.

S131125
B167460 Second Appellate District,
Division Five

PEOPLE v. BRAVO
Petition for review denied

Brown, J., was absent and did not participate.

S131128
D043604 Fourth Appellate District,
Division One

GOYCOCHEA v. WEIR
Petition for review denied

Brown, J., was absent and did not participate.

S131135
F047154 Fifth Appellate District

CRUZ v. S.C. (LLAMAS)
Petition for review denied

Brown, J., was absent and did not participate.

S131136
B168169 Second Appellate District,
Division Eight

PEOPLE v. BROWN
Petition for review denied

Brown, J., was absent and did not participate.

S131142
E033986 Fourth Appellate District,
Division Two

PEOPLE v. LUCAS
Petitions for review denied

Brown, J., was absent and did not participate.

S131143
E035213 Fourth Appellate District,
Division Two

PEOPLE v. ANDRE
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131144

B172152 Second Appellate District,
Division Three

PEOPLE v. AGARPAO

Petition for review denied

Brown, J., was absent and did not participate.

S131148

C046695 Third Appellate District

SULIER v. STATE PERSONNEL BOARD

Petition for review denied

Brown, J., was absent and did not participate.

S131149

B169215 Second Appellate District,
Division Two

PEOPLE v. HANNA

Petition for review denied

Brown, J., was absent and did not participate.

S131151

C045277 Third Appellate District

PEOPLE v. JONES

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131154

D041515 Fourth Appellate District,
Division One

PEOPLE v. FIERRO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131159

D045649 Fourth Appellate District,
Division One

BRIERTON v. S.C. (PEOPLE)

Petition for review denied

Brown, J., was absent and did not participate.

S131162

B169341 Second Appellate District,
Division Seven

PEOPLE v. MILLA

Petition for review denied

Brown, J., was absent and did not participate.

S131170

C045389 Third Appellate District

PEOPLE v. CANO

Petition for review denied

Brown, J., was absent and did not participate.

S131174

B171079 Second Appellate District,
Division One

PEOPLE v. MATTHEWS

Petition for review denied

Brown, J., was absent and did not participate.

S131177

C044999 Third Appellate District

PEOPLE v. ALVAREZ

Petition for review denied

Brown, J., was absent and did not participate.

S131178

B168015 Second Appellate District,
Division Eight

PEOPLE v. HURTADO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131179

B171996 Second Appellate District,
Division Eight

PEOPLE v. POOL

Petition for review denied

Brown, J., was absent and did not participate.

S131195

C047275 Third Appellate District

PEOPLE v. LEE

Petition for review denied

Brown, J., was absent and did not participate.

S131200

A103618 First Appellate District,
A103719 Division Five

PEOPLE v. MOORE

Petition for review denied

Brown, J., was absent and did not participate.

S131201

F044821 Fifth Appellate District

PEOPLE v. GRAHAM

Petition for review denied

Brown, J., was absent and did not participate.

S131213

A105442 First Appellate District,
Division Two

CHOU v. TSENG

Petition for review denied

Brown, J., was absent and did not participate.

S131214

E034756 Fourth Appellate District,
Division Two

PEOPLE v. WEBSTER

Petition for review denied

Brown, J., was absent and did not participate.

S131221

A101024 First Appellate District,
Division Three

PEOPLE v. BLAKE

Petition for review denied

Brown, J., was absent and did not participate.

S131222

A103560 First Appellate District,
Division Four

PEOPLE v. BARNES

Petition for review denied

Brown, J., was absent and did not participate.

S131227

B174779 Second Appellate District,
Division Three

PEOPLE v. JOHNSON

Petition for review denied

Brown, J., was absent and did not participate.

S131228

F044618 Fifth Appellate District

PEOPLE v. OLAGUE

Petition for review denied

Brown, J., was absent and did not participate.

S131229

B168727 Second Appellate District,
Division One

FEDER, ESTATE OF
Petition for review denied

Brown, J., was absent and did not participate.

S131230

E034891 Fourth Appellate District,
Division Two

PEOPLE v. DEMAREST
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131234

H026823 Sixth Appellate District

PEOPLE v. ROGERS
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131235

C043713 Third Appellate District

PEOPLE v. BAKER
Petition for review denied

Brown, J., was absent and did not participate.

S131236

B167422 Second Appellate District,
Division Three

PEOPLE v. MANNING
Petition for review denied

Brown, J., was absent and did not participate.

S131246

H027364 Sixth Appellate District

PEOPLE v. PALAVI
Petition for review denied

Brown, J., was absent and did not participate.

S131254

B165444 Second Appellate District,
Division Four

PEOPLE v. RODRIGUEZ

Petition for review denied

Brown, J., was absent and did not participate.

S131258

G034993 Second Appellate District,
Division Three

MCMAHON v. S.C. (PALACIO DEL MAR)

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

Brown, J., was absent and did not participate.

S131259

E034939 Fourth Appellate District,
Division Two

PEOPLE v. ARTHUR

Petition for review denied

Brown, J., was absent and did not participate.

S131261

A105265 First Appellate District,
Division Three

PEOPLE v. ASHER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131263

B171782 Second Appellate District,
Division Seven

WOLDRUFF v. EL-ROUSAN

Petition for review denied

Brown, J., was absent and did not participate.

S131268

B167302 Second Appellate District,
Division Three

PEOPLE v. BOLDEN

Petition for review denied

Brown, J., was absent and did not participate.

S131276

B180474 Second Appellate District,
Division One

CHASE v. S.C. (GROENEWEG DAIRY)

Petition for review denied

Brown, J., was absent and did not participate.

S131280

B172260 Second Appellate District,
Division Six

PEOPLE v. GIVENS

Petition for review denied

Brown, J., was absent and did not participate.

S131283

B173216 Second Appellate District,
Division Two

PEOPLE v. MARBLE

Petition for review denied

Brown, J., was absent and did not participate.

S131289

B173442 Second Appellate District,
Division Seven

PARK PLACE ASSOCIATES v. BELL GARDENS
BICYCLE CLUB

Petition for review denied

Brown, J., was absent and did not participate.

S131291

A106683 First Appellate District,
Division Four

PEOPLE v. ANDRADE

Petition for review denied

Brown, J., was absent and did not participate.

S131293

D043423 Fourth Appellate District,
Division One

PEOPLE v. PEDROZA

Petition for review denied

Brown, J., was absent and did not participate.

S131294

C044744 Third Appellate District

PEOPLE v. RAMIREZ

Petition for review denied

Brown, J., was absent and did not participate.

S131295

F044255 Fifth Appellate District

PEOPLE v. STEVENS

Petition for review denied

Brown, J., was absent and did not participate.

S131299

C045461 Third Appellate District

PEOPLE v. TAPIA

Petitions for review denied

denied without prejudice to any relief to which
defendant might be entitled after this court

determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131305

A106146 First Appellate District,
Division Four

PEOPLE v. MASON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131306

B171024 Second Appellate District,
Division One

PEOPLE v. BORUNDA

Petition for review denied

Brown, J., was absent and did not participate.

S131310

C046377 Third Appellate District

PEOPLE v. GANZ

Petition for review denied

Brown, J., was absent and did not participate.

S131311

H026775 Sixth Appellate District

MCDONNELL v. MCBRIDE

Petition for review & publication request denied

Brown, J., was absent and did not participate.

S131312

A105682 First Appellate District,
Division Four

PEOPLE v. GARCIA

Petition for review denied

Brown, J., was absent and did not participate.

S131319

C043104 Third Appellate District

PEOPLE v. JOHNSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court

determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131321

B164162 Second Appellate District,
Division Three

PAYASLYAN v. MAY DEPARTMENT STORES
Petition for review denied

Brown, J., was absent and did not participate.

S131324

D043413 Fourth Appellate District,
Division One

PEOPLE v. PARDEW
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131327

H027223 Sixth Appellate District

PEOPLE v. HUGHES
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131337

E035486 Fourth Appellate District,
Division Two

M. (SEAN), IN RE
Petition for review denied

Brown, J., was absent and did not participate.

S131352

B158794 Second Appellate District,
Division Two

MENJOU v. TOYOTA MOTOR SALES
Petition for review denied

Brown, J., was absent and did not participate.

S131355

A104835 First Appellate District,
Division Three

SHELFBOND TRUST v. ALTURA

Petition for review denied

Brown, J., was absent and did not participate.

S131369

A107596 First Appellate District,
Division Two

PEOPLE v. TABRILLA

Petition for review denied

Brown, J., was absent and did not participate.

S131370

A104528 First Appellate District,
Division Three

PEOPLE v. FRANKLIN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131385

C047109 Third Appellate District

M. (FELIPE), IN RE

Petition for review denied

Brown, J., was absent and did not participate.

S131387

B170080 Second Appellate District,
Division Seven

PEOPLE v. ANTUNEZ

Petition for review denied

Brown, J., was absent and did not participate.

S131399

C044979 Third Appellate District

PEOPLE v. THOMAS

Petition for review denied

Brown, J., was absent and did not participate.

S131404

D043626 Fourth Appellate District,
Division One

BELL v. GREG AGEE CONSTRUCTION

Petition for review denied

Brown, J., was absent and did not participate.

S131407

D043793 Fourth Appellate District,
Division One

DAUN v. USAA CASUALTY INSURANCE

Petition for review denied

Brown, J., was absent and did not participate.

S131427

C045019 Third Appellate District

PEOPLE v. MATTIS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131467

D043393 Fourth Appellate District,
Division One

PEOPLE v. ESPINOZA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Brown, J., was absent and did not participate.

S131504

D044246 Fourth Appellate District,
Division One

M. (SIERRA), IN RE

Petition for review denied

Brown, J., was absent and did not participate.

S131783

G035081 Fourth Appellate District,
Division Three

HAIDL (SCOTT GREGORY) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S131938

B181245 Second Appellate District,
Division Eight

ROMAN CATHOLIC ARCHBISHOP OF SAN
FRANCISCO v. S.C. (KAVANAUGH)

Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S132018
C048680 Third Appellate District

BROWN v. S.C. (PEREZ)
Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S132168
B181522 Second Appellate District,
Division Six

JACKSON v. S.C. (PEOPLE)
Petition for review and application for stay denied

S119513

LOPEZ (RAFAEL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S121123

LAUER (JAMIE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Waltreus*
(1965) 62 Cal.2d 218; *In re Dixon* (1953) 41
Cal.2d 756, 759.)
Brown, J., was absent and did not participate.

S122685

OLEA (JOHNNY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S122857

ANDRADE (GEORGE M.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123308

GLADLEY (ROBERT L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re*
Dixon (1953) 41 Cal.2d 756.)
Brown, J., was absent and did not participate.

S123309

MASTERSON (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)
Brown, J., was absent and did not participate.

S123673

COOK (DAMON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)

Brown, J., was absent and did not participate.

S123674

AVERY (KYLE W.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123752

JOHNSON (HOWARD) ON H.C.
(aka JOHN BLEDSOE)
Petition for writ of habeas corpus denied

(see *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S123777

COCKCROFT (PETER) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123785

GUEVARA (FRANCISCO P.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S123794

POPOV (ALEXEY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123796

MEYERS (MIKA) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123825

PENNEWELL (RONALD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123828

POON (ALBERT) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123831

RUBIO (LEONARD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123867

CLOUD (MARCELL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S123868

DANIELS (JEFFREY M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)
Brown, J., was absent and did not participate.

S123887

STATEN (DWIGHT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)
Brown, J., was absent and did not participate.

S123888

LIVINGSTON (WARNER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S123894

DIAZ (HENRY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123903

VALENTINO (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S123913

ISREAL (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123940

SEVIER (DANNY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123944

SHUE (JERRY W.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123949

ALVARADO (PETER) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123974

BURLESON (GAYLIN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123979

FORREST(RODERICK E.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S123981

MORRIS (ANDRE JAMES) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124038

REGISTER (KASH) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124039

HAMMONDS (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124064

ELLIS (EZZARD C.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124083

HOLGUIN (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124087

MARTIN (LANCE R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124088

STEARNS (SCOTT) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124091

MARTIN (RAY A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124117

DAVIS (DOYLE D.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124120

SANCHEZ (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124126

BARREDA (DAVID) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124128

TORRES (FILBERTO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124129

BREWER (RYAN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124135

GAZAWAY (JERALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124140

LICCIARDI (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124147

TORDJMAN (ABRAHAM) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124148

MCCOWAN (ERIC) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124154

WILLIAMS (TOHMA L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124159

HERNANDEZ (JOHN J.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124186

LISCHEFSKI (JOHN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124204

THOMAS (JASON L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124207

BENAVIDES (WALTER A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124214

VILLASENOR (FRANCISCO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124217

TITONE (BRADFORD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124262

RUBISH (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709; *In re Hall* (1981) 30 Cal.3d 408, 423; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S124269

HAYES (LOUIS V.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S124278

LEMUS (BENJAMIN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124279

THOMPSON (DALE) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124297

WYNN (THOMAS) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124298

MARSHALL (GERALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)
Brown, J., was absent and did not participate.

S124299

PUSZERT (JAMES) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124300

CARTER (DANIEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S124302

DUNN (ANTHONY W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
Brown, J., was absent and did not participate.

S124303

BLACK (DANNY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124306

POMPA (MELQUIADES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S124307

GUERRA (ROSENDO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124311

MORALES (RAMIRO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124312

LIND (FRANK A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124313

SANCHEZ (JOE A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)
Brown, J., was absent and did not participate.

S124315

DANIELS (LOUIS C.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124323

PRADO (SATURNINO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S124336

ASHTON (TRIANA) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124338

APPLEBY (TONY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124339

CEDENO (TOMMY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124344

ARTEAGA (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124350

HOBLEY (TIMOTHY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124360

MELCHIORRE (BENITO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124406

HUYNH (BINH) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124422

FOSTER (RONALD P.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;

In re Clark (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)
Brown, J., was absent and did not participate.

S124425

PRADO (SATURNINO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)
Brown, J., was absent and did not participate.

S124427

WOLFF (THOMAS L.) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S124445

BOMMERITO (PETER D.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124446

WELDIN (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124447

GUIDO (JACOB) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124480

HOLNES (ROBERT JULIUS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S124481

BONNER (WILLIAM R.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124497

BOLDEN (WILLIAM E.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124520

WASHINGTON (DONALD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124526

ROSENBERGER (PAUL R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S124533

FRANKLIN (ROBERT D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)
Brown, J., was absent and did not participate.

S124561

LEWIS (LESTER L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S124566

HARRELL (BRAD S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S124568COBURN (STACY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124569BRAGG (MORRIS L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124570BIGGS (JEFFREY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124571MACHADO (ALFRED E.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
People v. Duvall (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.**S124601**CHAVEZ (JUAN M.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S124603MARTELL (GLENN) ON H.C.
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lessard* (1965) 62 Cal.2d 497, 503.)
Brown, J., was absent and did not participate.**S124650**FOSTER (RONALD P.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Miller*
(1941) 17 Cal.2d 734; *In re Waltreus* (1965) 62

Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709;
In re Dixon (1953) 41 Cal.2d 756.)
Brown, J., was absent and did not participate.

S124971

STATEN (DWIGHT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Swain*
(1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S124972

FRANKLIN (ROBERT D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)
Brown, J., was absent and did not participate.

S125084

STATEN (DWIGHT A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)
Brown, J., was absent and did not participate.

S125504

WYNN (THOMAS P.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)
Brown, J., was absent and did not participate.

S125702

LISCHEFSKI (JOHN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S125792

HAYNES (JEFFERY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S127489

LICCIARDI (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)
Brown, J., was absent and did not participate.

S127616

GONZALEZ (ERIC L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S130493

A106749 First Appellate District,
A105261 Division One

GRAY (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S130523

MARTINEZ (FRANCISCO A.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S130531

ISAAC (JOSE A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S130545

MARLIN (TERRY LEE) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131091

BANKUTHY (MICHAEL S.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131204

GORDON (BENEDICT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S131207

WILLIAMS (LARRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734.)
Brown, J., was absent and did not participate.

S131223

GONZALES (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131281

SCALLY (STEPHEN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131336

YOUNG (GREGORY LEON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Brown, J., was absent and did not participate.

S131376

ROBINSON (BERNELL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131436

RAINEY (LARRY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131438

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S131556

JOHNSON (CARL E.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131559

UPSHAW (GLEN D.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131566

FRAZIER (KENNETH H.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131569

JOHNSON (HOWARD L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131606

CEPEDA (DAVID DANIEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921; *In re Waltreus* (1965) 62 Cal.2d 218.)
Brown, J., was absent and did not participate.

S131610

ROBERTS (CLAYBORN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131631

MANCUS (PETER J.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S131734

CASTILLO (JAVIER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)
Brown, J., was absent and did not participate.

S131736

ZIN (JON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)
Brown, J., was absent and did not participate.

S131744

DODGIN (RICHARD LEE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Brown, J., was absent and did not participate.

S131759

WEATHERS (ERNEST) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lessard* (1965) 62 Cal.2d 497, 503.)
Brown, J., was absent and did not participate.

S131809

LOPEZ (VINCENT MARVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S131820WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)
Brown, J., was absent and did not participate.

S131924WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)
Brown, J., was absent and did not participate.

S130403B167037 Second Appellate District,
Division EightWESTSIDE CONCRETE CO. v. DEPARTMENT OF
INDUSTRIAL RELATIONS, DIV. OF LABOR
Depublication ordered

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed October 14, 2004, which appears at 123 Cal.App.4th 1317. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)
Brown, J., was absent and did not participate.

S129459A106242 First Appellate District,
Division ThreeARNTZ BUILDERS v. S.C. (CONTRA COSTA CTY)
Depublication request denied (case closed)

Brown, J., was absent and did not participate.

S129472A105005 First Appellate District,
Division ThreeBAXTER v. SALUTARY SPORTSCLUBS
Depublication request denied (case closed)

Werdegar, J., was recused and did not participate.
Brown, J., was absent and did not participate.

S130026B169281 Second Appellate District,
Division FiveQUINN v. CAL FARM INSURANCE
Publication request denied (case closed)

Brown, J., was absent and did not participate.

S130750

B175271 Second Appellate District,
Division One

J. (K.), IN RE

Publication request denied (case closed)

Brown, J., was absent and did not participate.

S130995

C043483 Third Appellate District

NELSON v. STATE OF CALIFORNIA

Publication request denied (case closed)

Brown, J., was absent and did not participate.

S131326

C046459 Third Appellate District

OZENICK v. CITY OF ROSEVILLE

Publication request denied (case closed)

Brown, J., was absent and did not participate.

S131328

A105908 First Appellate District,
Division Four

PEOPLE v. KEEL

Publication request denied (case closed)

Brown, J., was absent and did not participate.

S131330

D042459 Fourth Appellate District,
Division One

SANCHEZ v. GIROMEX, INC.

Publication requests denied (case closed)

Brown, J., was absent and did not participate.

S130917

G034906 Fourth Appellate District,
Division Three

HERNANDEZ (ADRIAN) ON H.C.

Time extended to grant or deny review

to April 22, 2005

S131056

A108095 First Appellate District,
Division One

DOSS (STEVEN) ON H.C.

Time extended to grant or deny review

to April 28, 2005

S129852

B166937 Second Appellate District,
Division Six

PEOPLE v. GILES

Extension of time granted

to April 4, 2005 for appellant to file the opening
brief on the merits.

S130532D042720 Fourth Appellate District,
Division One

PEOPLE v. JORDAN

Counsel appointment order filed

Alisa A. Shorago appointed to represent appellant on the appeal now pending in this court.

S033975

PEOPLE v. COMBS (MICHAEL STEVEN)

Orders filed (2)

- (1) Good cause appearing, the application of appointed counsel for permission to withdraw as habeas corpus/executive clemency attorney of record for condemned inmate Michael Steven Combs, filed February 14, 2005, is granted.

The order appointing Richard C. Gilman as counsel of record for condemned inmate Michael Steven Combs, filed August 4, 1997, is hereby vacated with respect to the habeas corpus/executive clemency representation related to the above automatic appeal now final in this court. Mr. Gilman will remain as appellate counsel of record and will continue to be responsible for all appellate duties specified in Supreme Court Policies Regarding Cases Arising From Judgments of Death, policy 3, standards 1-1 and 2-1.

Michael G. Millman, as Executive Director of the California Appellate Project in San Francisco, is hereby appointed to serve as interim habeas corpus/executive clemency counsel of record for condemned inmate Michael Steven Combs. Gilman is directed to deliver to Executive Director Millman, within 30 days from the filing of this order, all habeas corpus investigation work product, trial files, investigation reports and related materials that he has obtained from condemned inmate Combs, trial counsel, or his paralegals, experts and investigators, or from any other source.

Brown, J., was absent and did not participate.

- (2) In conjunction with the order filed this day permitting Richard C. Gilman to withdraw as habeas corpus/executive clemency counsel of record for condemned inmate Michael Steven

Combs, with regard to the above automatic appeal now final in this court, Gilman is hereby ordered to reimburse the court the sum of \$37,330. Subject to Gilman's timely and satisfactory completion of his on-going obligations with regard to the appellate representation of Combs, the court will permit him to satisfy this reimbursement order from future appellate fixed fee progress payments to which he would otherwise become entitled.

Brown, J., was absent and did not participate.

S099231

BOLDEN (CLIFFORD) ON H.C.
Motion denied

Petitioner's "Post-Order-To-Show-Cause Request For Authorization to Issue Subpoenas Duces Tecum For Employment Records," filed February 2, 2005, is denied without prejudice. All discovery matters are to be addressed to the referee to be appointed by this court.

Brown, J., was absent and did not participate.

S119750

D040278 Fourth Appellate District,
Division One

MORRIS v. DELATORRE
Order filed

Appellant's motion to augment the record, filed January 7, 2005, is granted.

S129821

F045972 Fifth Appellate District

M. (SARA) v. S.C. (DEPARTMENT OF SOCIAL
Request denied

Petitioner's motion to dismiss review as improvidently granted, filed on March 1, 2005, is denied. The court considers the issue petitioner wishes to brief to be fairly included in the issue on which it granted review. (Cal. Rules of Court, rule 29.1(b)(3).) Accordingly, petitioner may brief it in her answer brief, and real party in interest may make any responsive arguments it wishes in its reply brief, including whether petitioner has forfeited the right to raise the issue. Petitioner's motion to brief a new issue is denied as moot. The court grants

petitioner an extension of time to serve and file the answer brief on the merits until [20 days after the date of the order]. It will grant any further extensions of time only on an exceptional showing of good cause. (Code Civ. Proc., § 45; Cal. Rules of Court, rule 38.2(d).) The court intends to place the matter on the late May 2005 or June 2005 oral argument calendar. Brown, J., was absent and did not participate.

S131213

A105442 First Appellate District,
Division Two

CHOU v. TSENG
Order filed

Respondent's application to file late the answer to the petition for review is DENIED.

S099231

BOLDEN (CLIFFORD) ON H.C.
Reference hearing ordered

THE COURT:

Based on the record in this matter and good cause appearing, it is ordered:

The Honorable Robert L. Dondero, Presiding Judge of the Superior Court of California, County of San Francisco, is to select a Judge of the San Francisco Superior Court to sit as a referee in this proceeding and to promptly notify this court of that selection. After appointment by this court, the Referee is to supervise discovery, take evidence, and make findings of fact on the following questions regarding the case of *People v. Clifford Stanley Bolden* (San Francisco Superior Court No. 123117; Judge Raymond D. Williamson, Jr.):

1. Was Jose Sarria, one of the trial jurors, personally acquainted with the victim, Henry Michael Pedersen? If so, when and under what circumstances did they become acquainted, and what was the nature of their relationship?
2. If Jose Sarria was personally acquainted with Henry Michael Pedersen, would he have disclosed that fact in response to a specific question on voir dire?
3. Did Jose Sarria prejudge the issue of penalty?

4. Did Jose Sarria engage in deliberations with the other jurors on the issue of penalty, or did he fail or refuse to deliberate?

The Referee is directed to prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

Brown, J., was absent and did not participate.

